

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 1, 2006
MINUTES**

ROLL CALL	A.	The regular meeting of the Common Council was held on August 1, 2006 and called to order at 6:30 p.m. by Mayor Taylor in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Aldermen Olson, Solomon, Hammelman, Kosovich, Sohns and Skowronski. Also present were City Engineer Bennett, Police Chief Oliva, Senior Planner Booth, Planning Manager Dietl, Director of City Dev. Wheaton, Director of Administration Luberda, City Attorney Wesolowski and City Clerk Wesolowski.
CITIZEN COMMENT	B-1.	Citizen comment period was opened at 6:31 p.m. and closed at 6:44 p.m. A letter from Dave Bartels regarding staffing in the Franklin Fire Department was read into the record by Mayor Taylor.
S. 31ST STREET	B-2a.	A letter from Wisconsin Department of Transportation regarding TEA grant for construction of a 4-lane 48 ft. wide extension of S. 31st Street for Northwestern Mutual Life Insurance was noted for the record.
GRANT	B-2b.	A letter from State of Wisconsin regarding Homeland Security grant in the amount of \$635.00 was noted for the record.
PROCLAMATION	B-2c.	A "Kids Day American/International" proclamation was read into the record.
MINUTES- 7/11/06	C-1.	Alderman Olson moved to approve minutes of the regular meeting of June 20, 2006 with the exception of Item F-16. Seconded by Alderman Hammelman. All voted Aye; motion carried.
CONSENT AGENDA		Alderman Solomon moved to approve the following consent agenda items:
STREET LIGHT- COBBLESTONE WAY	F-1a.	Authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of one street light, 100 watt light fixture on one fiberglass pole at a cost of \$5,168.41 to be billed to the developer and the developer is responsible for the restoration and erosion control. Light is to be installed for Woodland Trail/Autumn Ridge located on Cobblestone Way at S. 51st Street & Ryan Road;
STREET LIGHT REVISION- DEERWOOD PRESERVE	F-1b.	Authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of four street lights, 100 watt Harp style fixture on four 15' poles at a cost of \$20,388.86 which is revised from the \$12,000.00 for 150 watt rather than 100 watt as previously approved by the Common Council and which is to be billed to the developer is responsible for the restoration and erosion control. Light is to be installed for Deerwood Preserve Addition No. 1 located at approximately 10250 W. St. Martins Road;

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| STREET LIGHT-
HIDDEN OAKS | F-1c. | Authorize the City Engineer to sign a street light appendix with the WE Energies for the installation of five coach lights, 150 watt light fixtures on five fiberglass poles at a cost of \$24,127.08 to be billed to the developer and the developer is responsible for the restoration and erosion control. Light is to be installed at the street intersection of S. 34th Street & W. Oakwood Road; |
| RES. 2006-6137
EASEMENTS-
KRAFT MUSIC | F-1d. | Adopt Resolution No. 2006-6137, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT STORM WATER MANAGEMENT EASEMENT FOR KRAFT MUSIC, approximately 4700 W. Ryan Road; |
| LETTER OF CREDIT-
VICTORY CREEK | F-1e. | Release the Letter of Credit No. 235474-002 from First Banking Center for Victory Creek Subdivision as recommended by the Engineering Department located at the 4000 block of W. Drexel Avenue; |
| CHANGE ORDER-
W. RYAN ROAD | F-1f. | Authorize staff to sign Change Order No. 1 for the S. 27th Street water extension south of W. Ryan Road, Project 2005-WU102 for a reduction of \$17,835.75 to the contract with Underground Pipeline, Inc.; |
| CHANGE ORDER-
W. FOREST HOME
AVENUE | F-1g. | Authorize staff to sign Change Order No. 1 for the W. Forest Home Avenue water extension south of W. Rawson Avenue, Project 2005-WU103 for a reduction of \$3,141.80 to the contract with Underground Pipeline, Inc.
Approval of consent items seconded by Alderman Skowronski. All voted Aye; motion carried. |
| RES. 2006-6138
SPECIAL USE -
NORTHWESTERN
MUTUAL LIFE
INSURANCE
COMPANY | F-2. | Alderman Hammelman moved to adopt Resolution No. 2006-6138, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE CONSTRUCTION OF A BUILDING GREATER THAN 40,000 GROSS SQUARE FEET IN AREA FOR THE PROPERTY LOCATED AT ONE NORTHWESTERN MUTUAL WAY (THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY). Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried. |
| COMMUNITY SAFETY
RESPONSE TASK
FORCE | F-3. | Alderman Olson moved to authorize the Community Safety Response Task Force to continue its charge for a period of one year, until August 1, 2007, subject to the call of the Mayor and in the absence of the Mayor, the Task Force Chairman. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2006-6139
SPECIAL USE-
SKYLINK NETWORKS,
INC. | F-4. | Alderman Olson moved to adopt Resolution No. 2006-6139, A RESOLUTION TO AMEND 1999-4901, IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 5572 WEST AIRWAYS AVENUE (SKYLINK NETWORKS, INC., APPLICANT) to allow for the collocation of a new antennas on an existing monopole and additional ground equipment within the existing fenced equipment. Seconded by Alderman Kosovich. All voted Aye; motion carried. |

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| RES. 2006-6140
COMPREHENSIVE
MASTER PLAN | F-5. | Alderman Sohns moved to adopt Resolution No. 2006-6140, A RESOLUTION ADOPTING THE COMPREHENSIVE MASTER PLAN AMENDMENT FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT AND B-2 GENERAL BUSINESS DISTRICT AS AN ELEMENT OF THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN, approximately 11950 W. St. Martins Road. Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| ORD. 2006-1884
REZONING-
ENER-CON
COMPANIES | F-6. | Alderman Skowronski moved to adopt Ordinance No. 2006-1884, A RESOLUTION TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE CERTAIN PARCELS OF LAND FROM B-2 GENERAL BUSINESS DISTRICT AND R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT (ENER-CON COMPANIES, APPLICANT) (APPROXIMATELY 11950 WEST ST. MARTINS ROAD). Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| RES. 2006-6141
PRELIMINARY PLAT-
TESS CORNERS CREEK
SUBDIVISION | F-7. | Alderman Skowronski moved to adopt Resolution No. 2006-6141, A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR TESS CORNERS CREEK SUBDIVISION (AT APPROXIMATELY 11950 WEST ST. MARTINS ROAD) (ENER-CON COMPANIES, LLC, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2006-6142
SPECIAL USE-
MEINERZ-
W. LOOMIS ROAD. | F-8. | Alderman Skowronski moved to adopt Resolution No. 2006-6142, A RESOLUTION TO AMEND RESOLUTION 1997-4647 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR PROPERTY LOCATED AT APPROXIMATELY 10930 WEST LOOMIS ROAD (NANCY MEINERZ, APPLICANT). Seconded by Alderman Sohns. All voted Aye; motion carried. |
| RES. 2006-6143
LIONS LEGEND PARK
PAVILION | F-9. | Alderman Olson moved to adopt Resolution No. 2006-6143, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN AGREEMENT WITH RAY STADLER CONSTRUCTION COMPANY, INC., FOR THE CONSTRUCTION OF THE PAVILION AT LIONS LEGEND PARK, 8717 W. Drexel Avenue in the amount of \$347,670.00. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| 2002 PARK IMPACT
FEES | F-10. | Alderman Sohns moved to approve funding not to exceed \$20,000 from pre 2002 Park Impact Fees for the paving of the Oak Leaf Trail parking lots and to pursue a long-term lease from the County and to advance funding from the Accumulated Fund Balance of the Capital Improvement Fund to move the project forward while attempting to secure the lease. Seconded by Alderman Kosovich. |

**IMPACT FEES-
CONTINUED**

All voted Aye; motion carried.

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| PARK IMPACT FEES | F-11. | Alderman Sohns moved to approve the Ruekert Mielke letter proposal to update their 2002 Impact Fees Report to reflect the State Law changes, the updates in the Park five year capital improvement plan and changes in inflation. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| RES. 2006-6144
BUDGET CHANGES | F-12. | Alderman Solomon moved to adopt Resolution No. 2006-6144, A RESOLUTION APPROVING BUDGET CHANGES TO THE LEGAL COUNSEL AND UNCLASSIFIED DEPARTMENTS OF THE GENERAL FUND, THE CAPITAL OUTLAY FUND, THE EQUIPMENT REVOLVING FUND, THE CAPITAL IMPROVEMENT FUND AND THE DEBT SERVICE FUND. Seconded by Alderman Hammelman. All voted Aye; motion carried. |
| RES. 2006-6145
WE ENERGIES | F-13. | Alderman Hammelman moved to adopt Resolution No. 2006-6145, A RESOLUTION FOR APPROVAL OF RELOCATION COSTS FOR WE ENERGIES FACILITIES ON W. RAWSON AVENUE, FROM S. 31ST STREET TO THE WEST. Seconded by Alderman Olson. All voted Aye; motion carried. |
| RES. 2006-6146
AGREEMENT-
GRAEF, ANHALT,
SCHLOEMER AND
ASSOCIATES, INC. | F-14. | Alderman Sohns moved to adopt Resolution No. 2006-6146, A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN ENGINEERING SERVICES AGREEMENT WITH GRAEF, ANHALT, SCHLOEMER AND ASSOCIATES, INC. FOR THE SANITARY SEWER EXTENSION ON S. 27TH STREET SOUTH OF WEST RYAN ROAD. Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| RES. 2006-6147
AGREEMENT-
RIVER PARK
ADDITION NO. 1
SUBDIVISION | F-15. | Alderman Sohns moved to adopt Resolution No. 2006-6147, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF RIVER PARK ADDITION NO. 1 SUBDIVISION, located west side of S. 51st Street, approximately 8200 block. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| ATOR ACT | F-16. | Alderman Olson moved to authorize the Mayor to send a letter to Senators Kohl and Feingold urging them to oppose H.R. 5252 the Advanced Telecommunications and Opportunity Reform (ATOR) Act. Seconded by Alderman Solomon. All voted Aye; motion carried. |
| ORD. 2006-1885
BENEFITS-
POLICE SERGEANTS | F-17. | Alderman Sohns moved to adopt Ordinance No. 2006-1885, AN ORDINANCE ESTABLISHING BENEFITS FOR POLICE SERGEANTS OF THE CITY OF FRANKLIN as amended by the City Attorney. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried. |

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| RES. 2006-6148
POLICY-EMPLOYEES
INVOLUNTARILY
CALLED UP TO
MILITARY ACTIVE
DUTY | F-18. | Alderman Sohns moved to adopt Resolution No. 2006-6148, A RESOLUTION ESTABLISHING A POLICY TO CONTINUE MEDICAL/DENTAL INSURANCE BENEFITS, AND PAY DIFFERENTIAL, FOR EMPLOYEES INVOLUNTARILY CALLED UP TO ACTIVE MILITARY DUTY. Seconded by Alderman Skowronski. On roll call, Aldermen Olson, Hammelman, Kosovich, Sohns and Skowronski voted Aye; Alderman Solomon voted No. Motion carried.

Alderman Sohns moved to approve the continuation of a City employee's health and dental coverage who is scheduled to leave on active military duty 9/24/06 for the entire length of his activation, scheduled to be up to 545 days. Seconded by Alderman Skowronski. On roll call, Aldermen Skowronski, Sohns, Kosovich, Hammelman and Olson voted Aye; Alderman Solomon voted No. Motion carried. |
| W. OAKWOOD ROAD
SANITARY SEWER | F-19a. | The public hearing for special assessments for installing sanitary sewer and laterals in W. Oakwood Road from S. 27th Street to S. 34th Street was held on 8/01/06. |
| FIRE DEPT.
STAFFING | F-19b. | Alderman Hammelman moved to approve the addition of one fulltime firefighter to the staff of the Franklin Fire Department. Seconded by Alderman Kosovich. Upon unanimous Aye voice vote, motion carried. |
| STREET NAMING
POLICIES | F-19c. | No action was taken on the discussion held at the Committee of the Whole meeting of 7/31/06 relating to a street naming policy in the City of Franklin. |
| HIRING FREEZE | F-19d. | No action was taken on the hiring freeze imposed by former Mayor Klimetz by memorandum of September 3, 2003, and hiring policy dated January 6, 2004. |
| RES. 2006-6149
PUBLIC SAFETY
SERVICES | F-19e. | Alderman Sohns moved to adopt Resolution No. 2006-6149, A RESOLUTION RECREATING A SPECIAL COMMITTEE TO EVALUATE THE SHARING OF PUBLIC SAFETY SERVICES. Seconded by Alderman Olson. All voted Aye; motion carried. |
| RES. 2006-6150
S. 51ST STREET
RECONSTRUCTION | F-19f. | Alderman Sohns moved to adopt Resolution No. 2006-6150, A RESOLUTION DIRECTING STAFF TO PREPARE A PLAN FOR THE RECONSTRUCTION OF SOUTH 51ST STREET. Seconded by Alderman Kosovich. All voted Aye; motion carried. |
| DUTY DISABILITY | F-19g. | Alderman Solomon moved to authorize staff to submit to the State the appropriate duty disability forms and a cover letter indicating that the City cannot stipulate that the injury work was related and indicating that the City does not seek a hearing on this matter. Seconded by Alderman Sohns. All voted Aye; motion carried. |

CLOSED SESSION –
STATE OF WI VS. LEE
ANN AUGUSTINE

- F-20. Alderman Sohns moved to enter closed session at 8:36 p.m. pursuant to §19.85(1)(g), Wis. Stats., to confer with the City Attorney and Assistant City Attorney, as legal counsel for the Common Council, who are rendering advice concerning strategy to be adopted by the Council with respect to litigation in which it is likely to become involved to recover loss amounts arising from the theft charges against a prior City treasurer subject matter, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Skowronski. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:54 p.m.

Alderman Sohns moved to authorize the City Attorney to pursue legal action against insurance company and defendant for full restitution to recover loss amounts arising from the theft charges against a prior City treasurer. Seconded by Alderman Solomon. All voted Aye; motion carried.

MAXIM REALTY &
DEVELOPMENT, LLC

- F-21. Alderman Olson moved to deny the claim of Maxim Realty & Development, LLC, pursuant to Wisconsin Statute 893.80 (1g) for disallowance of claim for reimbursement of costs associated with the removal and reinstallation of water service to meet the City of Milwaukee's requirements instead of the City of Franklin's requirements after discovering its property was in the jurisdiction of the City of Milwaukee instead of the City of Franklin with regard to the waterworks, as recommended for denial by Midwest Claims Service. Seconded by Alderman Solomon. All voted Aye; motion carried.

APPOINTMENTS

- G-1. Alderman Skowronski moved to confirm the Mayoral appointment of Roseann Burac-Englert, term expires 7/30/08, to the Economic Development Commission. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

Alderman Kosovich moved to confirm the Mayoral appointment of John Bergner, term expires 7/1/09, to the Civic Celebrations Commission. Seconded by Alderman Olson. On roll call, all voted Aye. Motion carried.

Alderman Olson moved to confirm the Mayoral appointment of Bob Knackert, term expires 7/1/09, to the Civic Celebrations Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

Alderman Olson moved to confirm the Mayoral appointment of Wendy Knackert, term expires 7/1/09, to the Civic Celebrations Commission. Seconded by Alderman Kosovich. On roll call, all voted Aye. Motion carried.

LICENSES

- H-1. Alderman Hammelman moved to grant the following licenses subject to meeting all licensing requirements:

New Class B Combination to ERJ Dining, III, LLC, d/b/a Chili's Grill & Bar, Agent: Paul S. Thompson, 6439 S. 27th Street;

Operator License to Nicole L. Gaus, 3727 E. Plankinton Avenue, Cudahy with warning letter from City Clerk; Trey R. Summers, 718 W. Grange Avenue, Milwaukee; Erin M. Anderle, 3120 94th Street, Sturtevant; Ankica, Balistreri, 1901 S. 93rd Street, West Allis; Timothy J. Brown, 1516 Marion Avenue, South Milwaukee; Thomas N. Cane, 5432 Olympia Drive, Greendale; Stephen M. Carreno, 4091 Heatheridge Drive; Todd J. Caze, 7842 Stonebrook Ct.; Jamie L. Christensen, 3444 Third Avenue, Racine; Chad R. Czarnecki, 2987 W. Drexel Avenue #307; Frank J. Dobron, 8320 W. Ryan Road; Nikki P. Fazzari, 1605 N. Old Fancher Road, Racine; Gregory D. Fernandez, 5017 W. Coldspring Road, Greenfield; Judith Figueroa, 1833 W. Meyer Lane, Oak Creek; Julie A. Gunderson, 701 B Mink Ranch Road, Burlington; Chad C. Hoffman, 9475 S. 96th Street; Eric Hoffman, 4501 W. Clybourn Street, Milwaukee; Allan J. Jacobus, W143 S7615 Indian Trail, Muskego; Jaskaran S. Jeji, 5742 S. 41st Street, Milwaukee; Chung W. Leung, 2975 E. Diane Drive, Oak Creek; May F. Leung, 2975 E. Diane Drive, Oak Creek; Rebecca L. Lovdal, 9006 W. Waterford Square South, Greenfield; Scott G. Mank, 2956 S. Logan Avenue, Milwaukee; Christine L. Michalak, 730 Jordan Lane, Oak Creek; Jacqueline M. Neal, N76 W30784 Hwy. VV, Hartland; Isolde Oneil, 7508 S. North Cape Road; Debra A. Reichart, 22217 Eight Mile Road, Muskego; Terese A. Riesner, 10630 S. Peggy Drive, Oak Creek; Karen J. Spranklin, 2216 W. Morgan Avenue, Milwaukee; Jeffrey F. Terp, 26430 Grace Drive, Wind Lake; Joseph R. Vanderhoef, 1706 E. Morgan Avenue #3, Milwaukee and Iva M. Vukovic, 4312 W. Sherwood Drive;

and also moved to hold Operator License for Leigha J. Ahnert, 7745 S. Scepter Drive; Joseph J. Bruile, 8909 S. Redwing Drive pending receipt of additional information from applicant and Daniel S. English, 1024 Carrington Avenue, South Milwaukee subject to applicant appearing before the License Committee;

No action was necessary for Operator License for Patricia E. Gimler, 10227 Parkedge Circle. Seconded by Alderman Olson. All voted Aye; motion carried.

BILLS

- I-1. Alderman Kosovich moved to approve net City vouchers in the range of Nos. 116773 through 117109 in the amount of \$988,858.68. Seconded by Alderman Sohns. On roll call, all voted Aye. Motion carried.

PAYROLL

Alderman Solomon moved to approve net payroll of July 21, 2006 in the amount of \$314,163.52. Seconded by Alderman Hammelman. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J-1.

Alderman Kosovich moved to adjourn the meeting at 9:10 p.m. Seconded by Alderman Sohns. All voted Aye; motion carried.